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5 Attorneys for Defendant RAMON DESAGE

6 UNITED STATES DISTRICT COURT

7 DISTRICT OF NEVADA

8  
9 UNITED STATES OF AMERICA, )  
10 Plaintiff, ) Case No.: 2:13-cr-00039-JAD-VCF  
11 vs. )  
12 RAMON DESAGE, )  
13 Defendant. )

14 MOTION TO WITHDRAW AS ATTORNEY

15  
16 COMES NOW Richard B. Herman, Esq., of Richard B. Herman, P.C., and  
17 pursuant to Rule 1.16 of the Nevada Rules of Professional Conduct (“NRPB”) and Rule  
18 IA 11-6 of the Local Rules of the Practice of the United States District Court for the  
19 District of Nevada (“LR”), moves to withdraw as attorney for Defendant Ramon Desage  
20 (hereinafter “Mr. Desage”). This motion is made and based upon the points and authorities  
21 and the Declaration of Richard B. Herman attached hereto, and such argument and  
22 evidence as may be presented at the hearing on this motion, should any occur.

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Dated this 5<sup>th</sup> day of October, 2016

Respectfully submitted,  
RICHARD B. HERMAN, P.C.

BY                    /s/ Richard B. Herman  
Richard B. Herman, Esquire  
The Seagram Building  
375 Park Avenue, Suite 2607  
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Attorneys for Defendant RAMON DESAGE

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**DECLARATION OF RICHARD B. HERMAN, ESQ.  
IN SUPPORT OF MOTION TO WITHDRAW**

I, Richard B. Herman, declare in support of this Motion to Withdraw as Attorney in the above referenced matter:

1. I am an attorney duly licensed to practice before all Courts in the State of New York. On February 18, 2014, this Court granted my Verified Petition for Permission to Practice Pro Hac Vice and approving Richard A. Wright, Esq. as Designation of Local Counsel in this matter. (ECF No. 69).

2. On October 4, 2016, Defendant Ramon Desage advised I was discharged from all further representation in this matter, effective immediately. I was further advised by co-counsel, Richard A. Wright, Esq., that Mr. Desage conveyed my discharge to him and his firm.

3). This withdrawal can be accomplished without adverse effect on the interests of the client as Mr. Desage will continue to be represented by Richard A. Wright, Esq. Further, my withdrawal will not delay proceedings in this matter as Mr. Desage's trial is currently scheduled for July 11, 2017.

I declare under penalty of perjury of the laws of the State of Nevada that the foregoing is true and correct.

Executed this 5<sup>th</sup> day of October, 2016.

/s/ Richard B. Herman

RICHARD B. HERMAN, ESQ.

## **POINTS AND AUTHORITIES**

**THIS COURT SHOULD GRANT MR. HERMAN'S APPLICATION TO  
WITHDRAW AS COUNSEL FOR MR. DESAGE**

As set forth in the Declaration of Richard B. Herman, Mr. Herman has good cause to withdraw as counsel under Nevada Rule of Professional Conduct (“NRPC”) 1.16, which provides, in pertinent part, a lawyer may withdraw from representation where:

- (a)(3) The lawyer is discharged;  
.....
- (b)(1) Withdrawal can be accomplished without material adverse effect on the interests of the client;  
.....
- (b)(7) Other good cause exists for withdrawal.

Per the provisions of Rule IA 11-6 of the Local Rules of the Practice of the United States District Court for the District of Nevada (“LR”) governing appearances, substitutions and withdrawals of counsel, an attorney may not “withdraw after appearing in a case except by leave of court after notice is served on the affected client and opposing counsel.” *See* LR IA 11-6(b). Further, LR IA 11-6(e) provides “except for good cause shown, no withdrawal or substitution will be approved if it will result in delay of discovery, the trial, or any hearing in the case.”

The withdrawal can be accomplished without adverse effect on the interests of the client as Mr. Desage already has effective and competent counsel in Richard A. Wright, Esq. Mr. Wright has represented Mr. Desage since the inception of this matter and has been co-counsel with Mr. Herman since the granting of Mr. Herman's Pro Hac Vice Petition on February 18, 2014. Finally, the withdrawal will not delay these proceedings as the trial is currently scheduled for July 11, 2017.

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2                   **CONCLUSION**  
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4                   It is respectfully requested that this Court enter an order approving Richard B.  
5 Herman's withdrawal as attorney for Defendant Ramon Desage.  
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7                   Dated this 5<sup>th</sup> day of October, 2016  
8

9                   Respectfully submitted,  
10                   RICHARD B. HERMAN, P.C.  
11

12                  BY         /s/ Richard B. Herman  
13                  Richard B. Herman, Esquire  
14                  The Seagram Building  
15                  375 Park Avenue, Suite 2607  
16                  New York, New York 10152  
17

18                  Attorneys for Defendant RAMON DESAGE  
19

20                  **IT IS SO ORDERED.**  
21                    
22                  

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23                  **UNITED STATES MAGISTRATE JUDGE**  
24                  DATED: 10-26-2016  
25

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**Certificate of Service**

In accordance with Rule 49 of the Federal Rules of Criminal Procedure and the Local Rules of the Practice of the United States District Court for the District of Nevada, I certify that I am an attorney in the offices of RICHARD B. HERMAN, P.C. and that on this 5<sup>th</sup> day of October, 2016, I did cause a true copy of:

## MOTION TO WITHDRAW AS ATTORNEY

to be served via electronic service by the U.S. District Court CM/ECF system on the parties on the Electronic Filing System in this action.

/s/ Stefanie V. Plaumann

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Stefanie V. Plaumann, Esq.  
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